

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
 )  
 )  
CODY HIGGINBOTHAM, )  
 )  
Defendant. )

CASE NO. 07-24M

DETENTION ORDER

Offense charged:

Count I: Distribution of Cocaine, in violation of Title 21, U.S.C., Sections  
841(a)(1), 841(b)(1)(A), and Title 18, U.S.C., Section 2

Date of Detention Hearing: January 29, 2007

The Court, having conducted a contested detention hearing pursuant to Title 18  
U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention  
hereafter set forth, finds that no condition or combination of conditions which the defendant  
can meet will reasonably assure the appearance of the defendant as required and the safety  
of any other person and the community. The Government was represented by Andrew  
Friedman. The defendant was represented by Peter Avenia.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) There is probable cause to believe the defendant committed the crime of distribution of cocaine, a drug offense. The maximum penalty is in excess of ten years. There is therefore a rebuttable presumption against the defendant's release based upon both dangerousness and flight risk, under Title 18 U.S.C. § 3142(e).

(2) Nothing in this record satisfactorily rebuts the presumption against release for several reasons. Under Title 18 § 3142 (g), the Court considered the following:

(a) The nature and circumstances of the offense charged involves a narcotic drug.

(b) The weight of the evidence is based on surveillance of defendant and a co-defendant inside a residence where six bricks of cocaine were seized.

(c) The history and characteristics of the person. The defendant does not have current employment but has worked "under the table" in construction. He has a failure to appear history in state courts. He is alleged to have struggled at his arrest. He was on supervision to the Washington Department of Corrections when the instant offense arose. His probation officer indicated he was not compliant in any way, thus reflecting a disregard for authority.

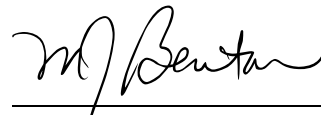
(d) Risk of danger to the community is present under these facts.

Based upon the foregoing information, which is consistent with the recommendation of detention from Pre-Trial Services, there is no condition or combination of conditions that would reasonably assure future Court appearances and/or the safety of other persons or the community.

**It is therefore ORDERED:**

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 30<sup>th</sup> day of January, 2007.



MONICA J. BENTON  
United States Magistrate Judge